

Testimony for HB 201

Mr. Chairman and members of the committee, my name is Neil Harrington and I am representing the Department of Environmental Quality, which administers the Opencut Mining Act. This Act regulates mining and related processing operations of sand, gravel, bentonite, clay, scoria, peat, and soil, and reclamation of lands disturbed by these operations.

ISSUE

The Department program responsible for administering the Opencut Mining Act has a full-time staff of four people plus administrative support and management amounting to another 1.5 FTE's. Currently statewide, we have about 1,950 mine sites permitted under this program, and they include both private companies (47% of current permits) and government agencies (63% of current permits, mostly counties). Thus, on average, each of our four full-time staff currently has responsibility for nearly 490 mine sites.

In the last few years the number of permitted sites has fluctuated around the number above, but the composition of permitted sites is very dynamic in that we have many new applications for new permits, permit amendments, and transfers submitted every year and many reclaimed sites being released from bond or liability and permit every year. For example, in FY06 the following key opencut mining program activities were accomplished:

<u>ACTIVITY</u>	<u>NUMBER</u>
PERMITS ISSUED	191
INSPECTIONS CONDUCTED	542
EA'S PREPARED	127
BOND/LIABILITY RELEASES	146
VIOLATIONS ISSUED	30

Currently we have 225 pending applications for new permits, permit amendments, or permit transfers. Thus, it is clear that the level of activity in this program is very high and we expect it to continue and grow.

Due to increasing public interest in and concern about sand and gravel mining in various areas of the state such as in Flathead, Ravalli, Lewis and Clark, and Gallatin Counties, the Department's opencut mining program has spent enormous amounts of time and resources on the permitting actions for certain proposed mining operations in these areas. For example, the environmental assessment (EA) process for Schellinger Construction's Tutvedt mine site in the Flathead Valley took about 7 months to complete in 2005-2006. To address all of the issues of public concern on this site and to complete the permitting process required various levels of assistance and time of all program staff. This becomes very problematic from the standpoint of meeting the demands of the workload when we have many other pending applications, bond release requests, and compliance actions that also require processing and action by DEQ. The result, of course, is that we cannot keep up with

the great workload as it continues growing, and the effectiveness of the program is diminishing.

SOLUTION

This program simply needs more staff and accompanying resources to respond to the enormously growing demands it faces. Thus, to provide funding for additional staff and resources, HB 201 would amend portions of the Opencut Mining Act, 82-4-401 et. seq., MCA to allow the Department to assess annual fees on opencut mining permittees. It is anticipated that new staff would consist of two full-time environmental specialists and a half-time administrative support position. The half-time position would administer the fee program along with other clerical support duties.